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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 6 October 2005 from the Permanent Mission of Ukraine to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and, referring to the latter's note of 18 July 2005, has the honour to submit additional information regarding the report of Ukraine pursuant to paragraph 4 of Security Council resolution 1540 (2004) (see annex).

The Government of Ukraine has no objection concerning the use by the Committee of the additional information on steps Ukraine is undertaking in the sphere of non-proliferation.

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Annex to the note verbale dated 6 October 2005 from the Permanent Mission of Ukraine to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Additional information regarding the Report of Ukraine pursuant to Security Council resolution 1540 (2004)

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

Item 14

In the fourth column, add the words: "6. Australian Group (AG)".

Item 15

In the fourth column, delete the sentence: "Adheres to the requirements of the Australia Group".

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials

Item 1

In the fourth column, amend the text as follows: "Cabinet of Ministers Decision No. 1525 of 18 December 1996 provides that an accounting and control system for the production, use, storage or transportation of nuclear materials must be in place before a permit to engage in nuclear power-related activities may be obtained".

In the sixth column, insert the following: "Measures to ensure the fulfilment of Nuclear materials accounting and storage requirements are covered by Ukrainian legislation. The Code of Administrative Offences of Ukraine provides for the imposition of fines on officials of enterprises, institutions or organizations for breaches of the regulations.".

Item 2

In the fourth column, insert the following text: "Nuclear materials accounting requirements are set out in the Regulations on accounting and control of nuclear materials in installations, which were approved by Ministry of Environmental Protection and Nuclear Safety Order No. 193 of 24 December 1998 and registered with the Ministry of Justice as No. 18/3311 of 15 January 1999.".

In the sixth column, insert the following text: "Measures to ensure the fulfilment of Nuclear materials accounting and storage requirements are covered by Ukrainian legislation. The Code of Administrative Offences of Ukraine provides for the imposition of fines on officials of enterprises, institutions or organizations for breaches of the regulations.".

Item 3

In the fourth column, insert the following text:

"Cabinet of Ministers Decision No. 1525 of 18 December 1996 provides that an accounting and control system for the production, use, storage and transport of nuclear materials must be in place before a permit to engage in nuclear power-related activities may be obtained".

In the sixth column, insert the following text:

"Measures to ensure the fulfilment of Nuclear materials accounting and storage requirements are covered by Ukrainian legislation. The Code of Administrative Offences of Ukraine provides for the imposition of fines on officials of enterprises, institutions or organizations for breaches of the regulations.".

Item 4

In the fourth column, insert the following text: "Cabinet of Ministers Decision No. 1525 of 18 December 1996 provides that an accounting and control system for the production, use, storage and transport of nuclear materials must be in place before a permit to engage in nuclear power-related activities may be obtained.".

In the sixth column, insert the following text: "Measures to ensure the fulfilment of Nuclear materials accounting and shortage requirements are covered by Ukrainian legislation. The Code of Administrative Offences of Ukraine provides for the imposition of fines on officials of enterprises, institutions or organizations for breaches of the regulations.".

Item 5

In the fourth column, insert the following text: "Personnel who, in the course of their official duties, deal with nuclear materials undergo a check in accordance with the Special Inspection Procedure granting natural persons access to work at nuclear installations and with nuclear materials, as approved by Cabinet of Ministers Decision No. 1471 of 25 December 1997.".

Item 7

In the fourth column, insert the following text: "The physical protection of nuclear materials is governed by the Act on the physical protection of nuclear facilities, nuclear materials, radioactive wastes and other sources of ionizing radiation.

"Measures to protect nuclear materials in the course of their use, storage or transportation are set out in the Regulations on the physical protection of nuclear materials and nuclear facilities as approved by State Nuclear Regulatory Administration Order No. 34 of 27 September 1999 and registered with the Ministry of Justice as No. 748/4041 on 2 November 1999. Work on updating the Regulations is currently in progress.

"In accordance with Cabinet of Ministers Decision No. 428-11 on the safeguarding and protection of particularly important State-owned properties, of 18 April 1996, special units of the Ministry of the Interior forces are

charged with protecting nuclear power plants (including the Chernobyl Nuclear Power Plant), scientific research institutes and scientific research laboratories.".

Item 8

In the fourth column, insert the following text: "Measures to protect nuclear materials in the course of their use, storage or transportation are set out in the Regulations on the physical protection of nuclear materials and nuclear facilities, as approved by State Nuclear Regulatory Administration Order No. 34, of 27 September 1999, and registered with the Ministry of Justice as No. 748/4041 on 2 November 1999. Work on updating the Regulations is currently in progress.".

In the sixth column, insert the following text: "Failure to comply with requirements relating to the physical protection of nuclear materials entails criminal liability responsible (Criminal Code of Ukraine, articles 261 and 274).".

Item 9

In the fourth column, insert the following text:

"1. Under Cabinet of Ministers Decision No. 1332 approving the Regulations on organizing the carriage of radioactive materials in the territory of Ukraine, of 29 November 1997, and Cabinet of Ministers Order No. 226-r, of 30 April 1993, a special unit of the Ministry of the Interior forces was established to safeguard and protect means of transport containing new or processed nuclear fuel for nuclear power plants.

"2. Measures to protect nuclear materials in the course of their use, storage or transportation are set out in the Regulations on the physical protection of nuclear materials and nuclear facilities, as approved by State Nuclear Regulatory Administration Order No. 34, of 27 September 1999, and registered with the Ministry of Justice as No. 748/4041 on 2 November 1999. Work on updating the Regulations is currently in progress.".

Item 12

In the fourth column, insert the following text: "Cabinet of Ministers Decision No. 1525, of 18 December 1996, provides that an accounting and control system for the production, use, storage and transport of nuclear materials must be in place before a permit to engage in nuclear power-related activities may be obtained.".

Item 13

In the fourth column, insert the following text: "Personnel who, in the course of their official duties, deal with nuclear materials undergo a check in accordance with the Special Protection Procedure granting natural persons access to work at nuclear installations and with nuclear materials, as approved by Cabinet of Ministers Decision No. 1471 of 25 December 1997.".

Item 15

In the fourth column, insert the following text: "In accordance with the Statute of the State Nuclear Regulatory Committee, as approved by Presidential Decree

No. 155 of 6 March 2001, questions relating to State accounting for nuclear materials and their physical protection fall within the mandate of the State Nuclear Regulatory Committee of Ukraine.".

Item 16

In the fourth column, add paragraph 3 as follows: "The President has introduced a bill for consideration by the Verkhovna Rada on the ratification of the Additional Protocol to the IAEA Safeguards Agreement in connection with the Nuclear Non-Proliferation Treaty (No. 290, of 27 July 2005).".

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of BW including Related Materials

Item 1

In the fourth column, add paragraphs 3 and 4 as follows:

"3. Act on the State border of Ukraine, of 4 November 1991

"4. Cabinet of Ministers Decision approving the Procedure for joint activities between the executive authorities and corporations engaged in nuclear power-related activities, in the event of discovery of illegal trafficking in radioactive sources of ionizing radiation".

Item 5

In the fourth column, amend paragraph 3 as follows:

"Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Amend paragraph 4 as follows:

"Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003".

Delete paragraph 6:

"Presidential Decree No. 117 of 13 February 1998".

In the sixth column, replace the figures "188 and 212" in paragraph 2 by the figures "188[17] and 212[4]".

Amend paragraph 3 as follows: "Criminal Code, article 333 (illegal export): fines and restriction or deprivation of liberty".

Item 6

In the fourth column, amend paragraph 2 as follows:

"Cabinet of Ministers Decision No. 86 approving the Procedure for implementation of State control of international transfers of dual-use goods, of 28 January 2004".

In the fourth column, amend paragraph 3 as follows:

"Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003".

Item 7

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 767 approving the Statute on the procedure for conducting examinations in the area of State export control, of 15 July 1997

"2. State Export Control Service Order No. 183 approving the Instructions on registration with the State Export Control Service of entities engaged in entrepreneurial activities as entities Involved in International Transfers of Goods, of 25 June 2003

"3. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

"4. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004"

Item 8

In the fourth column, insert the following text:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

"2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 9

In the fourth column, insert the following text:

"Act No. 549-IV on State control of international transfers of military and dual-use goods, of 20 February 2003".

Item 11

In the fourth column, amend the text as follows: "State Export Control Service (Presidential Decrees No. 1265, of 27 December 2001, and No. 342 of 17 April 2002)".

Item 13

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

"2. Cabinet of Ministers Decision No. 86 approving the Procedure for implementation of State control of international transfers of dual-use goods, of 28 January 2004".

Item 15

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

"2. Cabinet of Ministers Decision No. 86 approving the Procedure for implementation of State control of international transfers of dual-use goods, of 28 January 2004".

Item 17

In the fourth column, insert the following text: "Cabinet of Ministers Decision No. 920 approving the Statute on the procedure for the provision of safeguards and for State monitoring of the fulfilment of requirements regarding the use, for declared purposes, of goods subject to State export control, of 27 May 1999".

Item 20

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

"2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 22

In the fourth column, insert the following text:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

"2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 24

In the fourth column, insert the following text: "Cabinet of Ministers Order No. 690-r on enhancement of the mechanism for monitoring international air transport of military and dual-use goods, of 20 November 2003".

Item 25

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 27

In the fourth column, amend the text of paragraph 1 to read as follows: "Cabinet of Ministers Decision No. 838 of 8 June 1998 establishes the procedure for granting entities engaged in foreign trade the right to export and import military goods and goods containing information that constitutes a State secret.".

Amend paragraph 2 to read as follows: "Cabinet of Ministers Decision No. 125 of 4 February 1998 establishes the procedure for State monitoring negotiations involving the conclusion of foreign economic agreements (contracts) on the export of military or dual-use goods in the event of their delivery to a State under a partial embargo.".

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including Related Materials

Item 1

In the fourth column, add paragraph 3 as follows: "Act on the State border of Ukraine, of 4 November 1991".

Item 5

In the fourth column, amend the text of paragraph 3 as follows: "Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Amend the text of paragraph 4 as follows: "Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003".

Delete paragraph 6: "6. Presidential Decree No. 117 of 13 February 1998".

In the sixth column, replace the figures "188 and 212" by the figures "188[17] and 212[4]".

Amend the text of paragraph 3 as follows: "Criminal Code, article 333 (illegal export): fines and restriction or deprivation of liberty".

Item 6

In the fourth column, amend the text of paragraph 2 as follows: "Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Amend the text of paragraph 3 as follows: "Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003".

Item 7

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 767 approving the Statute on the procedure for conducting examinations in the area of State export control, of 15 July 1997.

2. State Export Control Service order No. 183 approving the Instructions on registration with the State Export Control Service of entities engaged in entrepreneurial activities as entities involved in international transfers of goods, of 25 June 2003

3. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

4. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 8

In the fourth column, insert the following text:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 9

In the fourth column, insert the following text: "Act No. 549-IV on State control of international transfers of military and dual-use goods, of 20 February 2003".

Item 11

In the fourth column, amend the text as follows: "State Export Control Service (Presidential Decrees No. 1265, of 27 December 2001, and No. 342, of 17 April 2002)".

Item 13

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004

2. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003".

Item 15

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"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 17

In the fourth column, insert the following text: "Cabinet of Ministers Decision No. 920 approving the Statute on the procedure for the provision of safeguards and for State monitoring of the fulfillment of requirements regarding the use, for declared purposes, of goods subject to State export control, of 27 May 1999".

Item 20

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 22

In the fourth column, insert the following text:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 24

In the fourth column, insert the following text: "Cabinet of Ministers Order No. 690-r on enhancement of the mechanism for monitoring international air transport of military and dual-use goods, of 20 November 2003".

Item 25

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 27

In the fourth column, amend the text of paragraph 1 to read as follows: "Cabinet of Ministers Decision No. 838 of 8 June 1998 establishes the procedure for granting entities engaged in foreign trade, the right to export and import military good and goods containing information that constitutes a State secret.".

Amend paragraph 2 to read as follows: "Cabinet of Ministers, Decision No. 125 of 4 February 1998 establishes the procedure for State monitoring of negotiations involving the conclusion of foreign economic agreements (contracts) on the export of military or dual-use goods in the event of their delivery to a State under a partial embargo".

OP3 (c) and (d) and related matters from OP 6, and OP 10 — Controls of NW including Related Materials

Item 1

In the fourth column, add paragraph 3 as follows: "Act on the State border of Ukraine, of 4 November 1991".

Item 5

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Amend the text of paragraph 4 as follows: "Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003".

Delete paragraph 6: "6. Presidential Decree No. 117 of 13 February 1998".

In the sixth column, replace the figures "188 and 212" by the figures "188[17] and 212[4]".

Amend the text of paragraph 3 as follows: "Criminal Code, article 333 (illegal export): fines and restriction or deprivation of freedom".

Item 6

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Amend the text of paragraph 3 as follows: "Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003".

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"2. State Export Control Service Order No. 183 approving the Instructions on registration with the State Export Contro. Service of entities engaged in entrepreneurial activities as entities involved in international transfers of goods of 25 June 2003

"3. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

"4. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 8

In the fourth column, insert the following text:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State Control of international transfers of military goods, of 20 November 2003

2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 9

In the fourth column, insert the following text:

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Item 11

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In the fourth column, amend the text as foilows:

"1. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004

2. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003".

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Item 17

In the fourth column, insert the following text: "Cabinet of Ministers Decision No. 920 approving the Statute on the procedure for the provision of safeguards and for State monitoring of the fulfilment of requirements regarding the use, for declared purposes, of goods subject to State export control, of 27 May 1999".

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"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".

Item 27

In the fourth column, amend the text of paragraph 1 to read as follows: "Cabinet of Ministers Decision No. 538 of 8 June 1998 establishes the procedure for granting entities engaged in foreign trade the right to export and import military goods and goods containing information that constitutes a State secret.".

Amend paragraph 2 to read as follows: "Cabinet of Ministers Decision No. 125 of 4 February 1998 establishes the procedure for State monitoring of negotiations involving the conclusion of foreign economic agreements (contracts) on the export of military or dual-use goods in the event of their delivery to a State under a partial embargo".

OP 6, 7 and 8 (d) — Control lists, Assistance, Information

Item 1

In the fourth column, amend the text as follows:

"1. Cabinet of Ministers Decision No. 1807 approving the Procedure for State control of international transfers of military goods, of 20 November 2003

"2. Cabinet of Ministers Decision No. 86 approving the Procedure for State control of international transfers of dual-use goods, of 28 January 2004".